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020995 TM02/0309
KNOBBE MARTENS OLSON & BEAR LLP
620 NEWPORT CENTER DRIVE
SIXTEENTH FLOOR
NEWPORT BEACH CA 92660

EXAMINER	
NAJJAR, S	
ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/942,005	Applicant(s) CHARI ET AL.	
	Examiner Saleh Najjar	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

1)☒ Responsive to communication(s) filed on *20 December 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25 and 27-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25 and 27-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)☐ All b)☐ Some * c)☐ None of the CERTIFIED copies of the priority documents have been:

1.☐ received.

2.☐ received in Application No. (Series Code / Serial Number) _____ .

3.☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

14) ☒ Notice of References Cited (PTO-892)
15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *25* .
17) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
18) ☐ Notice of Informal Patent Application (PTO-152)
19) ☐ Other: .

1. This action is responsive to the amendment filed on December 20, 2000. Claims 1, 13, 22, 25, 34, and 35 were amended. Claims 1-25, and 27-35 are pending examination. Claims 1-25, and 27-34 represent an apparatus directed toward an alert configurator and manager.

2. The statutory type (35 U.S.C. 101) double patenting rejection made in the previous office action is hereby withdrawn.

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CAR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CAR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CAR 3.73(b).

4. Claims 1-25, and 27-35 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-38 of copending Application No. 08/943,356. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

Claim 1, is similar to claim 1 of application No. 08/943,356.

Claim 13, is similar to claim 11 of application No. 08/943,356.

Claim 22, is similar to claim 20 of application No. 08/943,356.

Claim 25, is similar to claim 23 of application No. 08/943,356.

Claim 34, is similar to claim 20 of application No. 08/943,356.

Claim 35, is similar to claim 11 of application No. 08/943,356.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CAR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-5, 7-11, 13-20, 22-29, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev et al., U.S. Patent No. 5,751,933 in view of Wheel et al., WO 95/09387.

Dev teaches the invention substantially as claimed including a system for determining the status of entities in a computer network (see abstract).

As to claim 1, Dev teaches a manager system for monitoring alerts regarding the status of components in an agent computer, the manager system comprising:

at least one processor, said processor configured to display a plurality of alert

types to a user in a graphic display, each of said alert types corresponding to a status of components in the computer, said processor further configured to receive a plurality of unfiltered alerts from the agent computer, said alerts corresponding to an alert type (see figs. 1-4; col. 7, lines 25-30, Dev discloses receiving significant events of various types from network devices at the virtual network machine);

an alert module (virtual machine alarm log) executing in said processor, said alert module configured to allow a user to selectively disable or enable an automatic display of one or more alert notifications related to said alerts to the user at the manager system, said alert module further configured to record said status information associated with said alerts in a storage medium (see col. 8-10, Dev discloses that the user may use a filtering criteria to enable or disable the display of events such as unspecifying a model type event display).

Dev fails to teach the claimed limitation wherein the user enables or disables automatic display of alerts by selecting or deselecting a corresponding alert type in said graphic display.

However, Wheel teaches a management console for monitoring alerts from different process control computers having a graphical display of indicators of the status of the selected parameters (see fig. 1; pages 6-7). Wheel teaches the claimed limitation wherein the user enables or disables automatic display of alerts by selecting or deselecting a corresponding alert type in said graphic display (see figs. 1-4, 25-26; pages 17, 25, 48-50, Wheel teaches a management console having a display 28, the display 28 having a un-acknowledged alert window 46, and active alarms window 48 which lists all acknowledged and un-acknowledged alarms. The operator may manipulate the interface screen display so that alarms in un-acknowledged alert window 46 are not displayed there and are moved automatically to active alarms window 48 which can be obfuscated or iconized and rendered undisplayable).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dev in view of the management console as taught by Wheel so that

alarms are acknowledged and their notification status is enabled/disabled by graphic screen manipulations to allow the operator to effectively manage computer alarms. One would be motivated to do so to prevent sensory overload on the human operator responsible for control of the management console.

As to claim 2, Dev teaches a manager system for monitoring alerts regarding the status of components in an agent computer as in claim 1 above, wherein said alert module contains a plurality of variables, some of said variables indicating whether each of said alerts is disabled or enabled to be displayed to the user at the manager system (see col. 8, Dev discloses that a filtering criteria can be utilized by the user to adjust the threshold of the severity of the event condition so that the event is not displayed).

As to claim 3, Dev teaches a manager system for monitoring alerts regarding the status of components in an agent computer as in claim 1 above, wherein said alert module records information about said disabled alerts in said storage medium in the manager system (see col. 8, Dev discloses that all events are logged).

As to claim 4, Dev teaches a manager system for monitoring alerts regarding the status of components in an agent computer as in claim 1 above, further comprising a log module in the manager system, said log module configured to store information about said enabled and disabled alerts (see col. 8, Dev discloses that all events are logged).

As to claim 5, Dev teaches a manager system for monitoring alerts regarding the status of components in an agent computer as in the claims above, wherein said log module stores a name of said component associated with one of said alerts (see col. 8, Dev discloses that alarms and their corresponding models identifying the network device are recorded in the database at the manager system virtual machine).

As to claim 7, Dev teaches a manager system for monitoring alerts regarding the status of components in an agent computer as in claim 1 above, further comprising a user interface which allows a user to select one or more of said alerts for automatic display to the user by providing a description of said alerts (see fig. 10; col. 14-15, Dev

discloses a user graphical interface which allows a user to display different views showing status information).

As to claims 8-9, Dev teaches the claimed limitation wherein said user interface is configured to enable said selected alerts in response to an enable command, or disable said selected alerts in response to a disable command (see col. 8, Dev discloses that a user may specify different filtering techniques to specify minimum event severity for which events may be displayed).

As to claims 10-12, Dev teaches a manager system for monitoring alerts regarding the status of components in an agent computer as in claim 1 above, wherein said alerts which were not selectively disabled for display by the user are displayed in an alert notification window to the user, that is configured to display the name of said component associated with one of said alerts, and is configured to display the recommended course of action (see figs. 9-10).

As to claim 13, Dev teaches an apparatus for monitoring the operational status of components in a computer, comprising:

a first computer comprising a plurality of components, said first computer configured to generate a event message regarding the status of at least one of said resources, said message comprising a first code which contains data about said resource, said first code having a first data length (see figs. 1-4; col. 7, lines 25-30, Dev discloses receiving significant events from network devices at the virtual network machine); and

a status module (management software) existing in a second computer, said management software configured to receive said notification unfiltered from said first computer, said management software further configured to transform said message into a user-friendly display message and automatically display the message, the message comprising a second data length, wherein said second data length is significantly greater than said first data length (col. 8-10, Dev discloses that the user may use a filtering criteria to disable the display of events such as unspecifying a

model type event display).

Dev fails to teach the claimed limitation wherein said status module is further configured to allow the user to selectively enable or disable processing of said notification by selecting or deselecting a corresponding alert type in said graphic display.

However, Wheel teaches a management console for monitoring alerts from different process control computers having a graphical display of indicators of the status of the selected parameters (see fig. 1; pages 6-7). Wheel teaches the claimed limitation wherein the user enables or disables automatic display of alerts by selecting or deselecting a corresponding alert type in said graphic display (see figs. 1-4, 25-26; pages 17, 25, 48-50, Wheel teaches a management console having a display 28, the display 28 having a un-acknowledged alert window 46, and active alarms window 48 which lists all acknowledged and un-acknowledged alarms. The operator may manipulate the interface screen display so that alarms in un-acknowledged alert window 46 are not displayed there and are moved automatically to active alarms window 48 which can be obfuscated or iconized and rendered undisplayable).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dev in view of the management console as taught by Wheel so that alarms are acknowledged and their notification status is enabled/disabled by graphic screen manipulations to allow the operator to effectively manage computer alarms. One would be motivated to do so to prevent sensory overload on the human operator responsible for control of the management console.

As to claim 14, wherein said first computer and said second computer are connected by a computer network (see figs. 1-3).

As per claim 15, wherein said computer network performs simple network management protocol SNMP transactions (see col. 4).

As per claims 16-19, wherein said first code contains an index; wherein said status module uses said index to identify said user-friendly display message; wherein

said index is predefined by a management information base; wherein said management information associates information about said component with said index; wherein said status module uses said information about said component from said management information base to generate said user- friendly display message (see figs. 1-10; col. 4-6; Dev discloses that different network devices are represented by virtual software models at the management console and events received by the management console are correlated with the virtual model to display the notification and description of events regarding network devices).

Claim 20, wherein said management information base associates information about said component with said index (see fig. 10).

Claims 22-29, and 34-35 do not teach or define any new limitations above claims 1-5, 7-11, 13-20 and therefore are rejected for similar reasons

7. Claims 6, 12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev et al., U.S. Patent No. 5,751,933 in view of Wheeler further in view of Bonnell et al., U.S. Patent No. 5,655,081.

As to claims 6, 12 and 21, Dev does not explicitly teach the claimed limitation of storing at a user computer a recommended course of action associated with one of said alerts, and displaying a recommended course of action associated with said alerts to the user.

However, Bonnell teaches a system for monitoring a computer network (see fig. 13; col. 2, and 9, Bonnell discloses a set event manager 52 and event cache 212 responsible for keeping records of various occurrences throughout the computer network, such as occurrence of alarm conditions and their resolution).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dev by storing at the user computer recommended resolution of alarm conditions so that alarm conditions are resolved immediately. One would be motivated to do so to allow for management convenience.

8. Claims 30-33 are are rejected under 35 U.S.C. 103(a) as being unpatentable over Dev in view of Wheeler, further in view of Giorgio, U.S. Patent No. 5,761,085.

As to claims 30-33, Dev does not explicitly teach the claimed limitation wherein one of said alerts relates to the status of a fan, a temperature sensor, a power supply, or a fault isolation unit. However, Giorgio teaches a method for monitoring various parameters such as a fan, a temperature sensor, a power supply, or a fault isolation unit for equipment at network sites (see figs. 1-2; col. 4-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dev in view of Giorgio so that various parameters such as a fan, a temperature sensor, a power supply, or a fault isolation unit are monitored. One would be motivated to do so to optimize the working parameters of a network node.

9. Applicant's arguments filed December 20, 2000 have been fully considered but they are moot in view of the new grounds of rejection made in this office action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Arrangement and method in communications management and a telecommunications system with a managing arrangement by Israelsson et al., 96/24899.
- In-band/out-of-band alert delivery system by Lih-Juan et al., European patent No. 0520770A2.

11. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AN MENG AI, can be reached on (703) 305-9678. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Saleh Najjar

Examiner Art Unit 2154